

REMARKS

1. Summary of the Office Action

Claims 1-7, 9-18, 20-26, 28-35 and 37-41 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Brooks in view of Gechter et al., (USPN 5,274,700).

2. Response to § 102 Rejections

Claim 27 has been cancelled without prejudice and, accordingly, the objection has been overcome.

3. Response to § 103 Rejections

The Applicants respectfully traverse this rejection for the reasons set out below, and ask the Examiner for reconsideration.

To establish a **prima facie** case of **obviousness**, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

THE PRIOR ART REFERENCES DO NOT TEACH OR SUGGEST ALL CLAIM LIMITATIONS, WHEN CONSIDERED SINGULARLY OR IN COMBINATION.

The Office Action concedes that Brooks does not specifically teach reserving the agent. The Office Action then incorrectly submits that Gechter teaches the limitation of "prior to routing the transaction to the identified agent, reserving the agent which has been identified."

Gechter does not teach or even suggest reserving an agent but relates to a method of rerouting calls. Col. 13, lines 35-57 relate to Figure 5 that describes how calls may be **rerouted** from one agent to another. Gechter in no way whatsoever describes **reserving an agent**. In particular, “[t]he protocol of FIG 5 is a method for automatically rerouting an incoming call from a first network station (call router 18) to a second network station (the chosen agent station) where the selection of the second network station takes place on a per-call basis” (see col. 14, lns. 26-30). Claim 1 of the present application includes the limitation of “**prior to routing the transaction to the identified agent, reserving the agent which has been identified.**” In the present invention, as the agent is first reserved, the problem of rerouting the call can thus be avoided and, accordingly, the establishment of the second communication link can be avoided. It will be appreciated that avoiding establishing the second communication link may have cost advantages especially when the second communication link is established with a remote geographical location at which an ACD or Automatic Call Distribution system is provided.

In view of the above it will be appreciated that Gechter does not teach or even suggest the limitation of “**prior to routing the transaction to the identified agent, reserving the agent which has been identified.**” In fact Gechter does not in any way suggest reserving an agent. Thus combining the rerouting functionality referenced in the Office Action (col. 13, lns. 35-57) with Brooks would not result in the claimed invention.

Gechter actually **teaches away** from the present invention as claimed as it solves the problem of an unavailable agent by rerouting the call to a different agent (see Figure 5 and its associated description (col. 13, lns. 35-57)).

In view of the above it is submitted that claim 1 is allowable. As claims 2-13 are dependent upon claim 1, they are also allowable.

Claim 14 includes the limitation to **“reserve the agent and, after the agent has been reserved, supply the transaction to the appropriate agent.”** In view of the above it is submitted that claim 14 is also allowable. As claims 15-25 are dependent upon claim 14, they are also allowable.

Claim 26 includes the limitation of **“reserving the agent and, after the agent has been reserved, supplying the transaction to the appropriate agent to generate a response for communication to the customer.”** In view of the above it is submitted that claim 26 is also allowable.

Claim 28 includes the limitation **“wherein the transactional routing controller reserves the agent and, after the agent has been reserved, supplies the transaction to the appropriate agent to generate a response for communication to the customer.”** In view of the above it is submitted that claim 28 is also allowable.

Claim 29 includes the limitation **“prior to routing the transaction to the identified agent, [to] reserve the agent which has been identified.”** In view of the above it is submitted that claim 29 is also allowable. As claims 30-41 are dependent upon claim 29, they are also allowable.

In light of the above, the Applicants respectfully submit that the rejection under 35 U.S.C. § 103 has been overcome, and withdrawal of this rejection is therefore respectfully requested.

4. Conclusion


Having tendered the above remarks, the Applicants respectfully submit that all rejections have been addressed and that the claims are now in a condition for allowance, which is earnestly solicited.

If there are any additional charges, please charge Deposit Account No. 02-2666. If a telephone interview would in any way expedite the prosecution of the present application, the Examiner is invited to contact André Marais at (408) 947-8200 ext. 204.

Respectfully submitted,

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